

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2015-001882-001 DT

02/26/2016

HONORABLE DANIEL J. KILEY

CLERK OF THE COURT

C. Green

Deputy

STATE OF ARIZONA

ADAM L GARVIN

v.

WILLIAM MICHAEL SEE JR. (001)

DOB: 03/14/1982

RYAN MCPHIE

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

PRETRIAL SERVICES AGENCY-CCC

RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:08 a.m.

Courtroom CCB 901

State's Attorney: Casey Mundell for Adam Garvin

Defendant's Attorney: Ryan McPhie

Defendant: Present

Court Reporter, Brigid Donovan, is present.

A record of the proceeding is also made by audio and/or videotape.

Tao Nguyen and Joanne Nguyen address the Court.

Count(s) 1-2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

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IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (as amended) Aggravated Assault

Class 3 felony

A.R.S. § 13-1203, 13-1204, 28-3001, 28-3304, 28-3305, 28-3315, 13-701, 13-702 and  
13-801

Date of Offense: 02/27/2015

Non Dangerous - Non Repetitive

OFFENSE: Count 2 (as amended) Aggravated Assault

Class 3 felony

A.R.S. § 13-1203, 13-1204, 28-3001, 28-3304, 28-3305, 28-3315, 13-701, 13-702 and  
13-801

Date of Offense: 02/27/2015

Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 1 Probation Term: 4 years

To begin 02/26/2016.

2. IT IS ORDERED that probation in Count 1 shall run concurrent with probation in Count

Count 2 Probation Term: 4 years

To begin 02/26/2016.

1. IT IS ORDERED that probation in Count 2 shall run concurrent with probation in Count

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

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Condition 8: Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 - \$65.00 per month, beginning 03/01/2018.

PROBATION ASSESSMENT: Count 1 - \$20.00 payable on 03/01/2018.

All amounts payable through the Clerk of the Superior Court.

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his/her presence.

Condition 16: Not consume or possess any substances containing alcohol.

Condition 18: Count 1: Be incarcerated in the county jail for 12 month(s), beginning 02/26/2016 with credit for 0 day(s) served.

Not to be released until 02/25/2017.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Defendant shall participate in Work Furlough (participation is contingent upon Jail Classification/ MCSO approval).

Condition 18: Count 2: Be incarcerated in the county jail for 12 month(s), beginning 02/25/2017 with credit for 0 day(s) served.

Not to be released until 02/24/2018.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Defendant shall participate in Work Furlough (participation is contingent upon Jail Classification/ MCSO approval).

The jail sentence in Count 2 is to be consecutive to Count 1.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

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Condition 22: Other:

IT IS FURTHER ORDERED that Defendant shall participate in substance abuse screening, treatment and testing as directed by APD.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 3-4 and allegation of dangerous nature of offense.

Count(s) 1-2: IT IS ORDERED remanding Defendant to the custody of the Maricopa County Sheriff.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

9:23 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE DANIEL J. KILEY  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)